

PATENT

Attorney Docket No. 257/210

REMARKS/ARGUMENTS**1. Subject Matter Already Held Allowable in Prior Actions of Two Supervisory Primary Examiners over the Same Prior Art**

Claims 10, 16, 18, and 19 were found allowable if rewritten in independent form in the first Office Action in this case mailed on July 19, 2002, which was approved by SPE Charles T. Jordan. This holding of allowable subject matter was made in light of the same six prior art references cited in the second Office Action mailed on June 15, 2004 and now outstanding. Claims 11-16 were subsequently restricted out of the case.

By the present amendment, independent claim 1 has been rewritten to include all the limitations of original claim 10, independent claim 17 has been rewritten to include all the limitations of original claim 18, and claim 19 has been rewritten in independent form. Consequently, all pending elected claims should now be allowable.

Further, with respect to claims 1 and 17 as amended herein, Examiner Greene's supervisor, Michael Carone, issued an IPER on April 2, 2004 in the corresponding PCT application holding as follows with respect to those identical claims over the exact same prior art references:

Claims 1-10 meet the criteria set out in PCT Article 33(2)-(3) [respectively, novelty and non-obviousness], because the prior art does not teach or fairly suggest that the overall axial length of the initiator assembly is less than 22 millimeters, as disclosed in claim 1, and since claims 2-10 are dependent upon claim 1.

...
Claims 17-20 [are novel and non-obvious] because the prior art does not teach or fairly suggest that the overall axial length of the initiator and mating connector assembly is less than 22 millimeters when the initiator body is fully received within the enlarged initiator opening, as disclosed in claim 17, and since claims 18-20 are dependent upon claim 17.

PATENT

Attorney Docket No. 257/210

2. Improper Final Action


If the present amendments do not result in allowance, it is submitted that this application is not properly subject to a final Office Action. Though the outstanding Office Action is the second to have been rendered, it merely withdrew the holdings of allowable subject matter of the first Office Action, and did not rely on new prior art or any other matter necessitated by Applicant's response to the first Office Action. Applicant has thus effectively received only one substantive action, and requests that the prior action be made non-final.

3. Technical Objections

It is also requested that the objections to the drawings and specification regarding the "engagement feature" be withdrawn. An example of the "engagement feature" recited in claim 19 is unequivocally disclosed and depicted as the "bus wire electrical interface 90" in the originally-filed specification, at paragraph [0017], originally-filed claims 12-16 (which form a part of the disclosure just like any other portion of the specification), and Figs 7 and 9.

Finally, assuming a positive Advisory Action is received, Applicant will then submit drawings eliminating the errantly introduced "protrusion" of Figs. 1, 2, and 4 within the pertinent time for reply.

Respectfully submitted,


THOMAS J. BRINDISI
Reg. No. 40,348

Dated: August 9, 2004

20 28th Place, Suite B
Venice, California 90291
Tel. (310) 439-2901
Fax. (310) 439-2902